

Request for Reconsideration

Applicant thanks the Examiner for the consideration given this application. Reconsideration of this application is requested in view of the following remarks.

Claims 1-20 remain pending in this application, of which Claims 1 and 17 are independent claims.

At pages 2-7, the Office Action rejects Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Karagiannis (U.S. Patent No. 6,925,075; hereinafter referred to as “the ‘075 patent”). These rejections are respectfully traversed for at least the following reasons.

Among other things, Claim 1 recites that the first bearer setup request generator is “to provide the first application-level bearer setup request to a transport-level entity,” and similarly, Claim 17 recites, “providing the first application-level bearer setup request, generated during said selectably generating, to a transport-level entity.” The Office Action asserts that the ‘075 patent at col. 6, lines 14-45 discloses this (as well as all other elements of these claims). This portion of the ‘075 patent discusses Fig. 3 of the ‘075 patent, describing the flow of Resource Reservation Protocol (RSVP) messages among nodes of a network to establish a path for routing packets between communicating nodes (a mobile node 102 and a correspondent host 108). As discussed at col. 6, lines 23-31, “correspondent host 108 sends an RSVP PATH message 302 to a home address of mobile node 102, which address is the IP address of the home agent 106.” This passage then goes on to discuss how “the home agent 106 encapsulates the message 302 and sends an encapsulated RSVP PATH message 304 to the foreign agent 104.” However, it is noted that nowhere in this passage is it discussed in which protocol layers these operations are

performed. In fact, Applicant has been unable to locate any discussion in the '075 patent regarding the providing of an application-level bearer setup request to a transport-level entity, as claimed.

The Office Action, at page 7, cites the '075 patent at col. 4, lines 1-6, stating, "Kara explicitly teaches that the session initiation is performed at the transport layer." Office Action at page 7. Col. 4, lines 1-6 of the '075 patent read as follows: "RSVP can be used by an application to inform a serving Internet infrastructure of its Quality of Service (QoS) requirements. RSVP is initiated by an application at the beginning of a packet-data session identified by destination IP address, transport layer protocol type, and destination port number." The '075 patent at col. 4, lines 1-6. Applicant respectfully submits that the Office Action misconstrues this passage.

This passage merely states that an application initiates RSVP and that the packet-data session that is begun is "identified by destination IP address, transport layer protocol type, and destination port number." All this is saying is that an application uses RSVP to initiate a packet-data session, and it discusses some of the parameters of the data session, including a transport-layer protocol type. **This does not disclose or suggest providing an application-level bearer setup request to a transport-level entity, as claimed**, even though it uses the words "application" and "transport."

It is further noted that both Claims 1 and 17 (and some of the dependent claims) refer to a "bearer manager." Applicant is unable to locate in the cited passages of the '075 patent, or anywhere else in the '075 patent, anything that corresponds to a bearer manager.

The Office Action, at page 7, states, “Kara teaches a system and method for initiating a real time session between correspondent node and a mobile device through a foreign agent where the foreign agent is responsible for setting up the session (see abstract). Therefore[,] examiner interprets the foreign agent to be the bearer manager.” Applicant again respectfully submits that the Office Action appears to have misconstrued the cited reference.

First, the abstract of the ‘075 patent reads as follows:

A correspondent host that needs to begin a real-time packet-data session with a mobile node sends a mobile IP binding request message to a home agent of the mobile node. The correspondent host does not send any further messages until it has received a binding update message in response to the binding request message. Upon receipt of the binding update message, the correspondent host knows a care-of address of the mobile node. A binding to the care-of address is created responsive to receipt of the binding update message. An RSVP PATH message is sent by the correspondent host responsive to receipt of the binding update message. The RSVP PATH message explicitly binds a data path of a packet flow to the mobile node. The correspondent host perceives a RSVP RESV message in response to the RSVP PATH message.

Abstract of the ‘075 patent. Nowhere in this abstract is a foreign agent (or bearer manager) even mentioned.

Second, as discussed, for example, in col. 6, lines 23-57 of the ‘075 patent, the foreign agent 104 merely relays RSVP-related messages back and forth between other

nodes (in some cases, decapsulation, a form of re-formatting, is performed by the foreign agent). **Therefore, the foreign agent plays no role in controlling bearer setup and thus cannot be equated to the claimed bearer manager.**

For at least these reasons, it is respectfully submitted that Claims 1 and 17, as well as their dependent claims, Claims 2-16 and 18-20, are allowable over the cited reference.

It is additionally noted that several features of the dependent claims could not be found anywhere in the '075 patent (for example, the use of an Authentication Authorization Accounting (AAA) entity or protocol, as in Claims 4-14). Such further deficiencies in the '075 patent provide further reasons why various dependent claims are allowable over the cited reference.

Should the next Office Action indicate disagreement with the above and maintenance of these rejections (or new rejections), Applicant respectfully requests a more detailed discussion of how cited passages in the cited reference(s) correspond to claim elements and would be grateful for such future elucidation.

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.


Conclusion

Applicant believes that the above amendments and remarks address all of the grounds for rejection and that the application is in condition for allowance. Applicant, therefore, respectfully requests prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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